

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

FRANCIS O. TINDAL,

Plaintiff,

Hon. Paul L. Maloney

v.

Case No. 1:07-cv-00394

RENO'S WEST SPORTS BAR &  
PIZZERIA,

Defendant.

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**REPORT AND RECOMMENDATION**

Following Plaintiff's failure to appear or to respond in writing to an order to show cause (Dkt. 10), Reno's West, Inc.'s Motion to Quash Service of Process (Dkt. 7) has been granted. All of the other defendants originally included in the Complaint were dismissed on June 19, 2008 for failure to serve the Complaint and provide proof of service. It appears that Plaintiff, ipso facto, has abandoned his Complaint.

As such, the undersigned hereby recommends that this matter be dismissed against the remaining defendant, Reno's West Sports Bar & Pizzeria, pursuant to Fed. R. Civ. P. 41(b) and W.D.Mich. L.Civ.R. 41.1 for want of prosecution and failure to comply with the rules and orders of this court. Timely objections to this Report and Recommendation shall be considered Plaintiff's opportunity to show cause why this matter should not be dismissed.

Respectfully submitted,

Date: July 9, 2008

/s/ Ellen S. Carmody  
ELLEN S. CARMODY  
United States Magistrate Judge

OBJECTIONS to this Report and Recommendation must be filed with the Clerk of Court within ten (10) days of the date of service of this notice. 28 U.S.C. § 636(b)(1)(C). Failure to file objections within the specified time waives the right to appeal the District Court's order. *Thomas v. Arn*, 474 U.S. 140, 155 (1985); *United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981).